

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT PIZARRO,

Plaintiff,

-against-

UNITED STATES OF AMERICA, et al.,

Defendants.

22-CV-2125 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently incarcerated at USP Canaan in Waymart, Pennsylvania, brings this *pro se* action under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and 42 U.S.C. § 1983, alleging that Defendants violated his rights when agents from the United States Drug Enforcement Administration (“DEA”) arrested him, and Assistant United States Attorneys (“AUSAs”) from the Southern District of New York prosecuted him in this court, in the matter of *United States v. Pizarro*, ECF 1:17-CR-0151-1, 370 (S.D.N.Y. Aug. 1, 2019). The Court dismissed the action on May 31, 2022, with 30 days leave to file an amended complaint to assert Fourth Amendment claims against DEA agents. (ECF 6.) Plaintiff has not filed an amended complaint. He did submit a letter (ECF 7), which the Court received on July 5, 2022. The letter, however, challenges the criminal investigation, and does not assert specific claims against any specific DEA agent. The Court therefore dismisses those claims for failure to state a claim upon which relief may be granted

**CONCLUSION**

The Court dismisses Plaintiff’s Fourth Amendment claims for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: December 9, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge